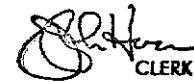


FILED

APR - 6 2007


CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA

Moise Mamourette, MD

Plaintiff,

vs.

Rory Sumners

Defendant

Case No.: 01007-4048
 PRO SE CIVIL COMPLAINT FOR
 DAMAGES
 FOR INTENTIONAL
 INFLECTION OF EMOTIONAL DISTRESS

COMPLAINT

Plaintiff, Moise Mamourette, pro se for his complaint in this action, alleges as follows:

JURISDICTION

1. This is an action for injunctive relief for Intentional Infliction of Emotional Distress against Rory Sumners This court has jurisdiction under 28 USCA § 1332 (a) (1). The matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States.

VENUE

2. The venue is correct pursuant to 28 USC § 1391 (e) (2).

PARTIES

3. Defendant Rory Sumners, is, and at all times herein mentioned was, a resident of the City of Gordon, County of Sheridan, State of Nebraska. Plaintiff is resident of N.Y.
4. As a member of the medical staff of the Indian Health Service Hospital at Pine Ridge defendant pledged and is obligated to follow the ethical code of the American Medical Association, The Medical Staff Bylaws and Hospital Rules and Regulations.
5. Defendant materially violated multiple Bylaws and Rules and Regulations.
6. At all times plaintiff was in full compliance with the ethical code of the American Medical Association, The Medical Staff Bylaws and Hospital Rules and Regulations.
7. Defendant knew that plaintiff was supporting an adopted 5 year old daughter and her mother in New York. Defendant knew that threats to plaintiff's financial stability would cause emotional distress.
8. Nevertheless, defendant Sumners engaged in repeated, progressively more severe public emails and directives, which threatened plaintiff's ability to continue earning a livelihood and publicly and falsely cast plaintiff in a poor light. On or about January 9, 2007 defendant Sumners emailed a directive removing Plaintiff from his position as supervisor.
9. On March 15, 2007 again defendant Sumners publicly emailed a directive removing plaintiff from the on-call schedule. Defendant Sumners, who is white told plaintiff, who is African-American that generations of defendant's family were, "card carrying members of the Ku Klux Klan." Defendant Sumners subsequently repeatedly threatened plaintiff with termination, without ever articulating any reason for such action.
10. Defendant Sumner's conduct was intentional and malicious and done for the purpose of causing Plaintiff to suffer humiliation, mental anguish, and emotional and physical distress.
11. Defendant Sumners actions are ongoing.

12. As a proximate result of defendant's publicly and falsely casting plaintiff in a poor light, plaintiff developed hypertension, restlessness, anxiety and nightmares.

13. As a further proximate result of defendant's publicly and falsely casting plaintiff in a poor light, and the consequences proximately caused by it, as hereinabove alleged, plaintiff suffered severe humiliation, mental anguish, and emotional and physical distress, and has been injured in mind and body as follows: Hypertension, Insomnia, Nightmares, Abdominal pain, Xerostomia, diminished productivity, all to damage in the sum of \$200,000.00.

14. That as a result of defendant's actions plaintiff was forced to seek judicial intervention and has incurred costs for which defendant is liable.

15. WHEREFORE, plaintiff prays judgment against defendant as follows:

- a. For general damages for severe emotional distress and mental suffering in the sum of \$200,000.00;
- b. For medical and related expenses in the sum of \$10,000.00;
- c. For lost wages in the sum of \$1,000,000.00;
- d. For costs of suit herein incurred in the sum of \$1,000.00; and
- e. For such other and further relief as the court may deem proper.

16. Trial by jury is demanded.

Dated this 6th day of April, 2007

By:


MOISE MAMOUZETTE,
MD, PRO SE

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VERIFICATION

I, Doctor Moise Mamourette, am a Plaintiff in the above-entitled action. I have read the foregoing complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at

Sioux Falls, South Dakota

Dated this 6th day of April, 2007

By:


MOISE MAMOURETTE,
MD, PRO SE